

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
(EASTERN DIVISION)

FILED
IN CLERKS OFFICE

2005 MAR 11 P 1:43

U.S. DISTRICT COURT
DISTRICT OF MASS.

JUSTIN COOK,
Plaintiff,
v.
CRUISECOMPETE, LLC,
HEIDI ALLISON-GARRETT,
ERIC BUSICK, and
ROBERT A. LEVINSTEIN,
Defendants.

Civil Action No. 1:05-CV-10443-JLT

AFFIDAVIT OF DANIEL C. HOHLER IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS, OR IN THE ALTERNATIVE TO TRANSFER VENUE

I, Daniel C. Hohler, being duly sworn do hereby depose and state:

1. I am an attorney in good standing in the Commonwealth of Massachusetts and I am counsel for the defendants in the above-captioned action, am above the age of twenty-one, am competent to testify, and have personal knowledge of the facts herein. To those facts that I do not have personal knowledge I allege such facts on information and information and belief, and as to such facts believe them to be true.
2. In this action, at this early stage of the proceeding, subject to change and without waiver of any right to change the contents of such list, the following percipient witnesses are likely to be called by the Defendants at trial in concerning the claims of the plaintiff Justin Cook in the Verified Complaint:
 - A. Justin Cook;
 - B. Timothy Cutler, Esquire;
 - C. Heidi Allison-Shane (formerly Allison-Garrett);
 - D. Eric Busick;
 - E. Robert A. Levinstein;
 - F. CruiseCompete, LLC, through its managing member Robert A. Levinstein; and
 - G. Robert C. Malt, MBA, CSBA.
3. All of the above witnesses, with the exception of Mr. Cutler and Mr. Malt, are also parties to this case, and it is anticipated that each party-witness will testify directly as


to the allegations contained in the Verified Complaint in the event this matter proceeds to trial. I am informed that Mr. Malt prepared a valuation of 5% of CruiseCompete, LLC.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 11th DAY OF MARCH, 2005.


DANIEL C. HOHLER

Middlesex, ss.

Before me, the undersigned authority, personally came and appeared the affiant, Daniel C. Hohler, who, being first duly sworn upon oath, stated that he has read the above and foregoing document and knows the contents thereof, and that all statements of fact contained therein are true. Subscribed and sworn to before me, this 11 day of March, 2005.

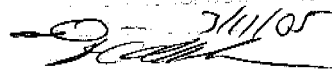

NOTARY PUBLIC

Address of Notary:

My Commission Expires:



ROSEMARIE L. CORTINA
Notary Public
Commonwealth of Massachusetts
My Commission Expires
November 3, 2011


3/11/05